

SL



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/522,319 | 03/09/2000 | Alando M Ballantyne | 50-00-002 | 2463 |

7590 01/15/2004

ROBERT W. HOLLAND
 BAKER BOTTS L.L.P.
 2001 ROSS AVENUE, SUITE 600
 DALLAS, TX 75201-2980

| |
|----------|
| EXAMINER |
|----------|

KENDALL, CHUCK O

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2122

DATE MAILED: 01/15/2004

28

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

Office Action Summary

Application No.

09/522,319

Applicant(s)

BALLANTYNE ET AL.7

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/09/2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 - 9, 12-17 is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 10, 11, 19, 21 - 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed 02/24/03

Claims 1 - 17, 19, 21 - 32 have been examined.

Response to Arguments

Applicant's arguments with respect to claims 1 - 4, 10, 11 & 21 - 32 have been considered but are not persuasive to overcome previous rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 4, 19, 21-24, & 27-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelliher et al USPN 5,857,194 hereinafter Kelliher in view of Eager et al USPN 5,960,200 hereinafter Eager.

With Regards, to claims 1, 19, 21-24, & 27, Kelliher shows a method for modeling a legacy computer system comprising: legacy computer system that outputs data; [6:15-24, see out put generator], defining a control flow graph of the output incidents [6:15-24, see control flow and out put generator]. Kelliher doesn't explicitly disclose identifying output incidents of applications that output data wherein incidents comprise report commands. However Eager does disclose this feature (Eager, Col. 24:21-35 & 25:29-52, also see claim 9 and

Art Unit: 2122

Column 18, lines 43-47, for report generation). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combining and or modify Kelliher with Eager to implement the instant claimed invention because, identifying output statements during Legacy application modeling or transition makes transitioning to the newer architecture more efficient.

Regarding claims 2,22 & 28 the method of Claim 1 further comprising:
identifying the value or type of the data fields associated with each output incident; and
attaching the value or type to the control flow graph [*Kelliher*, see 2: 27-30].

Regarding claims 3,23 & 29 the method of Claim 2 wherein identifying the value or type further comprises:
identifying output incidents of invariant data fields; and
[*Kelliher* 5:7-10, see fixed set of fields].

attaching the value of each invariant data field to its associated control flow graph incident.

[refer back to *Kelliher*, see 2: 27-30, for control flow of key fields].

Regarding claims 4, 24 & 30, the method of claim 2 wherein identifying the value or type further comprises:
identifying output incidents of variant data fields; and [*Kelliher*, see 2: 39-45].

attaching the type of each variant data field to its associated control flow graph incident.

[refer back to *Kelliher*, see 2: 27-30, for control flow of key fields].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

Art Unit: 2122

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelliher as applied in claim 1 in view of Eager et al USPN 5,960,200 hereinafter Eager and further in view of Meltzer et al. USPN 6,125,391 hereinafter Meltzer.

With regards to claim 10, Kelliher as modified discloses all the limitations as applied in claim 1. Kelliher doesn't explicitly disclose a modeling engine. However, Meltzer does disclose a similar apparatus [fig 5, see Element generator and attribute Generator]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify, Kelliher as modified with Meltzer to implement the instant claimed invention because, it is a general practice in the field to be able to interface between architectures.

With regards to claim 11, Kelliher as modified discloses all the claimed limitations as applied in claim 1 as cited. Kelliher doesn't explicitly disclose plural nodes having associated arcs. However Meltzer discloses plural nodes having arcs in a legacy system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher as modified and Meltzer to achieve the cited limitation because, "nodes establish interfaces for transactions in Networks" [Meltzer 2: 55-56] also refer to Kelliher 6: 45-50, which suggests the motivation to combine, "the use of a conventional communication (Network) system for data extraction."

refer back to Kelliher, see 2: 27-30, *for control flow of key fields*].

Reasons for allowance

The following is an examiner's statement of reasons for allowance: Claims 25, 26, 31 & 32 contain subject matter which is identical to previously allowed claims 5 & 6 as set forth in previous action.

Art Unit: 2122

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence Information

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Greg Morse* can be reached at (703) 308-4789.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

Chuck O. Kendall

Software Engineer Patent Examiner

United States Department of Commerce


WEI Y. ZHEN
PRIMARY PATENT EXAMINER